

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

| FOR AGENCY USE ONLY | | | | | | | | | |
|---|--|---|-----------------|--|---|-----------|---|-------------------|----------------|
| USACE NWW- 2018-00032 | | Date Received: 02/02/18 | | <input type="checkbox"/> Incomplete Application Returned | | | Date Returned: | | |
| Idaho Department of Water Resources No. | | Date Received: | | <input type="checkbox"/> Fee Received DATE: | | | Receipt No.: | | |
| Idaho Department of Lands No. | | Date Received: | | <input type="checkbox"/> Fee Received DATE: | | | Receipt No.: | | |
| INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED | | | | | | | | | |
| 1. CONTACT INFORMATION - APPLICANT Required: | | | | | 2. CONTACT INFORMATION - AGENT: | | | | |
| Name: John Hepton | | | | | Name: | | | | |
| Company: Wilson Creek Cattle Feeders | | | | | Company: | | | | |
| Mailing Address: 909 N Robinson Blvd | | | | | Mailing Address: | | | | |
| City: Nampa | | State: Id | Zip Code: 83687 | | City: | | State: | Zip Code: | |
| Phone Number (include area code): 208-250-0710 | | E-mail: John.hepton@agrifeed.com | | | Phone Number (include area code): | | E-mail: | | |
| 3. PROJECT NAME or TITLE: Wilson Creek Pipeline | | | | | 4. PROJECT STREET ADDRESS: 12353 Feedlot Dr. | | | | |
| 5. PROJECT COUNTY: Owyhee | | 6. PROJECT CITY: None | | | 7. PROJECT ZIP CODE: 83641 | | 8. NEAREST WATERWAY/WATERBODY: Reynolds Creek | | |
| 9. TAX PARCEL ID#: RP01503W102400A | | 10. LATITUDE: W116°41'6" LONGITUDE: N43°21'17.28" | | | 11a. 1/4: | 11b. 1/4: | 11c. SECTION: 10 | 11d. TOWNSHIP: 13 | 11e. RANGE: 3W |
| 12a. ESTIMATED START DATE: 3-1-18 | | 12b. ESTIMATED END DATE: 4-1-18 | | | 13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe: | | | | |
| 13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES | | | | | 13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES | | | | |
| 14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. Hwy 78 TO Wilson Creek Rd. THEN west ON Wilson Creek Rd. 2.5 miles South From mansing 16 miles TO Wilson Creek Rd. | | | | | | | | | |
| 15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. pipe Wilson Creek, an intermittent stream, THROUGH property. THIS will allow full use of the property TO construct new pens for feeding cattle, while protecting the stream bed from CONTAMINATION. | | | | | | | | | |

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Lay 1650' of 48" culvert in existing stream bed, filled over with 3+ feet of native soil. Construct concrete bulkhead around head of pipe to eliminate erosion. Construct steel gate in front of pipe to stop debris from entering pipe. Work will be performed using front end loaders and backhoe from south bank of stream bed. Work will be done after snow melt to avoid sediment transport. An existing 48" culvert under Wilson Rd. is approximately 300' feet from proposed pipeline, therefore no more water than exits that culvert will enter the new pipeline.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

Wilson Creek is an intermittent stream that has no impact on aquatic resources. The only alternative would be to construct berms to protect the stream bed. This would not allow full use of the property as only 60% would be usable. Berming would not protect the waterway from blowing debris such as feedstuffs and bedding materials. Work will be performed after snow melt has occurred.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

Mitigation is not required based on the fact that Wilson Creek is an intermittent stream.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: 122.22 cubic yards
Dredged Material: _____ cubic yards
Clean Sand: _____ cubic yards
Clay: _____ cubic yards
Gravel, Rock, or Stone: _____ cubic yards
Concrete: _____ cubic yards
Other (describe): _____ : _____ cubic yards
Other (describe): _____ : _____ cubic yards

TOTAL: 122.22 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft. _____ cubic yards
Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
Land Clearing: _____ acres _____ sq ft. _____ cubic yards
Dredging: _____ acres _____ sq ft. _____ cubic yards
Flooding: _____ acres _____ sq ft. _____ cubic yards
Excavation: _____ acres _____ sq ft. _____ cubic yards
Draining: _____ acres _____ sq ft. _____ cubic yards
Other: _____ : _____ acres _____ sq ft. _____ cubic yards

TOTALS: None _____ acres _____ sq ft. _____ cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☒ NO ☐ YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:
None

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: 20 Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☒ NO ☐ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☒ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

The pipeline will protect the streambed from all potential forms of contamination that could arise from the intended use of the property, feeding cattle. No degradation or impact on water quality will occur.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

| Activity | Name of Water Body | Intermittent Perennial | Description of Impact and Dimensions | Impact Length Linear Feet |
|-------------------------------------|--------------------|---------------------------|---|------------------------------|
| INSTALL CULVERT | WILSON CRK. | Intermittent | NO IMPACT | 1650' |
| | | | | |
| | | | | |
| | | | | |
| TOTAL STREAM IMPACTS (Linear Feet): | | | | 1650' |

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

| Activity | Wetland Type: Emergent, Forested, Scrub/Shrub | Distance to Water Body (linear ft) | Description of Impact Purpose: road crossing, compound, culvert, etc. | Impact Length (acres, square ft linear ft) |
|--------------------------------------|--|--|--|--|
| <i>NONE</i> | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL WETLAND IMPACTS (Square Feet): | | | | |

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

| | |
|---|--|
| Name: <u>BLM</u> Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ | Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ |
| Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ | Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ |
| Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ | Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ |
| Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ | Name: Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____ |

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: _____

Date: 11/30/18

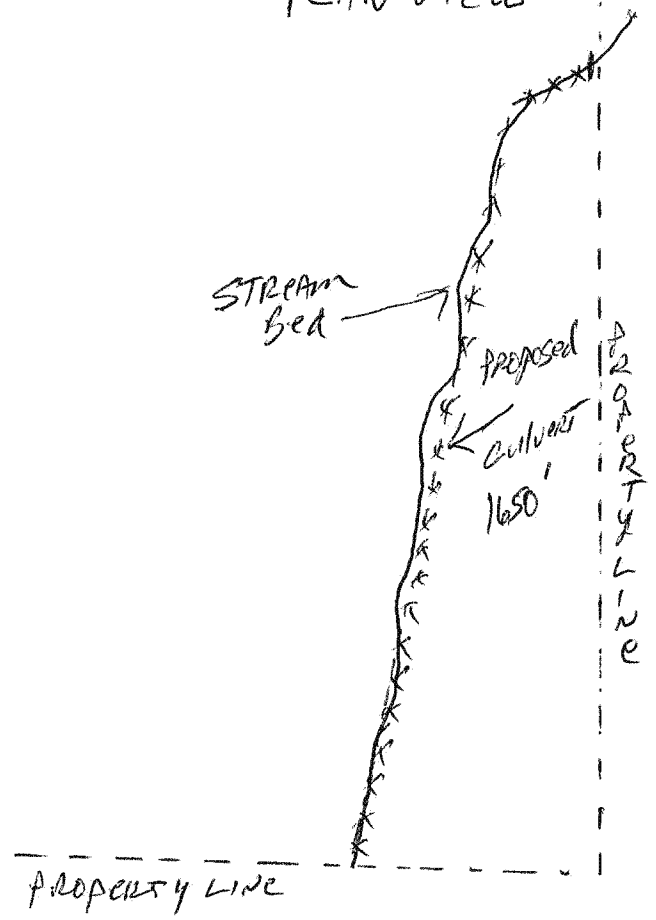
Signature of Agent: _____

Date: _____

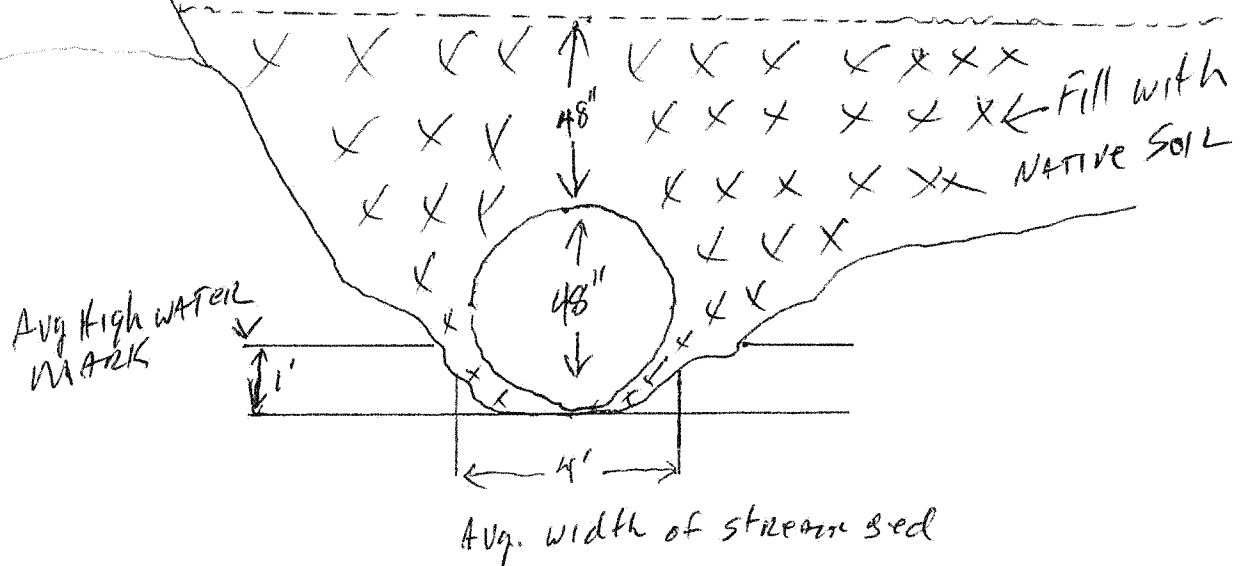
This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

Wilson Creek Pipeline

PLAN VIEW



Section View



Untitled Map

Write a description for your map.

Legend
2

W 116° 41' 46"

N 43° 21' 17.28"

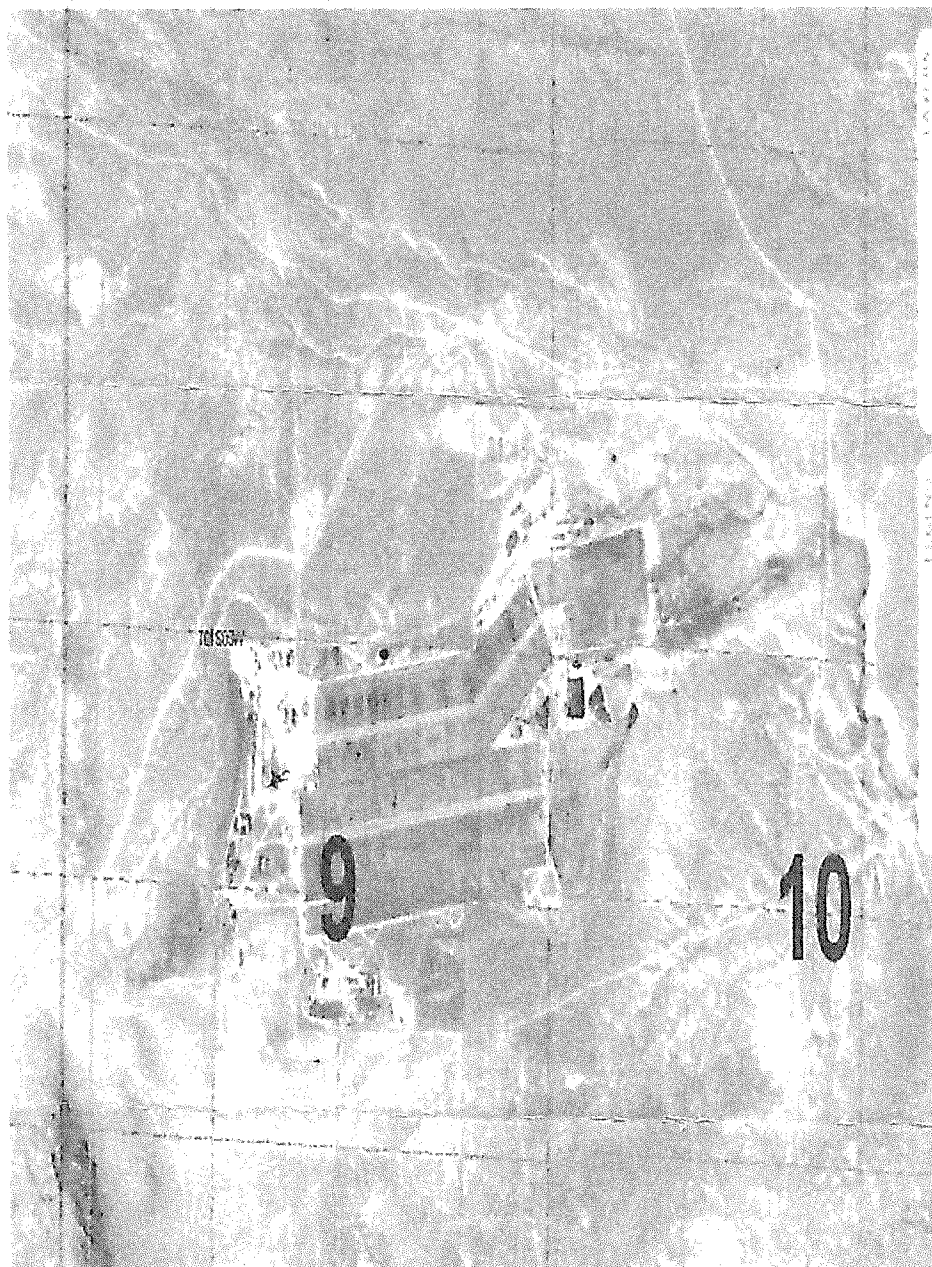
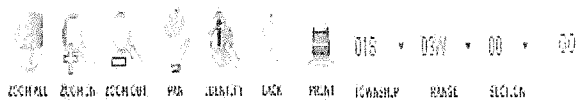
700 ft



Google Earth

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Help



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Township / Section:
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